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Application No. : **2,456,318**
Owner : SCIENTIFIC ATLANTA, INC.
Title : **INTERACTIVE PROGRAM GUIDE CONFIGURATION SYSTEM**
Classification : H04N 5/445 (2006.01)
Your File No. : **L80001754CA**
Examiner : Reginald Linco

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(a) OF THE *PATENT ACT*, A WRITTEN REPLY MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence received in this office on November 5, 2008.

The number of claims in this application is 69.

The examiner has identified the following defects in the application:

A search of the prior art has revealed the following:

Reference Applied:

United States Patent

D1: US 6,177,931 B1

Jan. 23, 2001

Alexander et al.

Anticipation and Obviousness

Claims 1, 4, 11, 12, 15, 16, 24 and 25 do not comply with paragraph 28.2(1)(b) of the *Patent Act*. D1 disclosed the claimed subject matter before the claim date.

Claims 2, 3, 5 to 10, 13, 14, 17 to 23 and 26 to 32 do not comply with section 28.3 of the *Patent Act*. The subject matter of these claims would have been obvious on the claim date to a person skilled in the art or science to which they pertain having regard to D1 in view the common general knowledge in the art.

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As to claims 1 and 11, D1 teaches a system and method for providing interactive media services comprising:

- memory for storing interactive program guide configuration data (FIG. 1; col. 1, ll. 53-58) that is used to determine an IPG channel listing characteristic (col. 3, ll. 1-20) where the channel listing characteristic comprises a predetermined number of channels presented concurrently (col. 20, ll. 54-59);
- logic configured to present an IPG configuration screen providing at least one selectable option to enable user customization of an IPG display screen (FIG. 1, item "20"), wherein said at least one selectable option (FIG. 1, "SCHEDULE") comprises a change in the IPG channel listing characteristic (FIG. 6, "SCHEDULE", "REMOVE" and "CHANGE");
- logic configured to modify the IPG configuration data in response to a first user input selecting the option of a change in the IPG channel listing characteristic (FIG. 1, item "20"; ; col. 3, ll. 1-20); and
- logic configured to present the IPG display screen configured in accordance with the first user input to a user via a display device (FIG. 1; col. 9, ll. 24-31).

As to claims 4 and 15, D1 teaches a system and method for providing interactive media services comprising:

- memory for storing interactive program guide configuration data (FIG. 1; col. 1, ll. 53-58) that is used to determine an IPG time listing characteristic (col. 3, ll. 1-20) where the time listing characteristic is at least one of the following: a predetermined number of time listings presented concurrently and a predetermined coverage of a time listing (col. 10, ll. 32-42; col. 17, ll. 4-12);
- logic configured to present an IPG configuration screen providing at least one selectable option (FIGs. 1 and 6, "SCHEDULE") to enable user customization of an IPG display screen (FIGs. 1 and 6, "SCHEDULE"), wherein said at least one selectable option comprises a change in the IPG time listing characteristic (FIG. 6, "REMOVE" and "CHANGE");
- logic configured to modify the IPG configuration data in response to a first user input selecting the option of a change in the IPG time listing characteristic (FIG. 1; col. 3, ll. 1-20); and
- logic configured to present the IPG display screen configured in accordance with the first user input to a user via a display device (FIG. 1; col. 9, ll. 24-31).

As to claim 12, D1 teaches a method for configuring a user interface, comprising:

- presenting an interactive program guide configuration screen (FIG. 1; col. 1, ll. 53-58) providing at least one selectable tool indicia (FIG. 1, item "18") that enables a change in an IPG channel listing characteristic, where the channel listing characteristic comprises a predetermined number of channels presented concurrently (col. 20, ll. 54-59);
- receiving a first user input selecting the tool indicia that enables a change in the IPG channel listing characteristic (FIG. 5; col. 9, ll. 59-60, ll. 65-67); and
- providing the user with an IPG display screen that has the changed channel listing characteristic selected via the first user input (FIG. 5; col. 9, ll. 34-31; col. 20, ll. 54-59).

As to claim 16, D1 teaches a method for configuring a user interface, comprising:

- presenting an interactive program guide configuration screen (FIG. 1; col. 1, ll. 53-58) providing at least one selectable tool indicia (FIG. 1, item "18") that enables a change in an IPG time listing characteristic, where the time listing characteristic is at least one of the following: a predetermined number of time listings presented concurrently and a predetermined coverage of a time listing (col. 20, ll. 54-59);
- receiving a first user input selecting the tool indicia that enables a change in the IPG time listing characteristic (FIG. 5; col. 9, ll. 59-60, ll. 65-67); and
- providing the user with an IPG display screen that has the changed time listing characteristic selected via the first user input (FIG. 5; col. 9, ll. 34-31; col. 20, ll. 54-59).

Claim 24 defines features and characteristics as found in claim 11, thus same objections apply. Furthermore, D1 teaches:

- receiving a second user input selecting the option of a change in the IPG channel listing characteristic (FIGs. 7 and 8, "SORT"; col. 34, ll. 41-49); and
- changing the IPG channel listing characteristic in accordance with the second user input (FIGs. 7 and 8; col. 34, ll. 41-49).

Claim 25 defines features and characteristics as found in claim 15, thus same objections apply. Furthermore, D1 teaches:

- receiving a second user input selecting the option of a change in the IPG time listing characteristic (FIGs. 7 and 8, "SORT"; col. 34, ll. 41-49); and
- changing the IPG time listing characteristic in accordance with the second user input (FIGs. 7 and 8; col. 34, ll. 41-49)

Claims 2, 3, 5 to 10, 13, 14, 17 to 23 and 26 to 32 do not define any additional elements or characteristics which in combination with the features of any claim they depend on would distinguish them from D1 and the common general knowledge in the art on claim date, hence the subject matter of these claims is deemed obvious.

Non-statutory subject matter

Claims 1 to 14, 16 to 23 and 32 to 69 are directed to non-statutory subject matter, and are outside the definition of invention in section 2 of the Patent Act. More, specifically:

- In claims 1 to 14 and 32 to 52, the features "logic configured to present" (p. 28, l. 6, l. 12 and l. 26; p. 29, l. 1; p. 33, l. 12 and l. 19) and "logic configured to modify" (p. 28, l. 10 and l. 26; p. 33, l. 17) do not fall into an art, a process, a machine, a manufacture or a composition of matter. Where a claim is directed to a machine, it must define its subject-matter in terms of structural components whereby the machine can be distinguished from all other machines. Furthermore, the applicant's attention is directed to the fact that a patentable computer implemented invention can be acceptably claimed as a method, an apparatus or a manufacture (see MOPOP 16.08).

- In claims 16 to 23 and 53 to 69, "providing the user with an IPG display screen" (p. 31, l. 8; p. 35, l. 26) is not a true method step. A method must recite an act or a series of acts performed by some physical agent upon some physical object and producing in such object some change either of character or condition (see MOPOP 12, page 12-2, 3rd par.) (See *Lawson v. Commissioner of Patents* (1970) 62 C.P.R. 101 (Ex.C.) at 109, *Tennessee Eastman v. Commissioner of Patents* (1970) 62 C.P.R. 117 (Ex.C.) at 129, *Shell Oil v. Commissioner of Patents* (1982) 67 C.P.R. (2d) 1 (S.C.) at 15).

Indefiniteness

Claims 1 to 14 and 32 to 52 are indefinite and do not comply with subsection 27(4) of the Patent Act. More specifically, the system (aka apparatus) of claims 13 to 24, must recite apparatus elements and/or means statements not "logic configured to present" (p. 28, l. 6, l. 12 and l. 26; p. 29, l. 1; p. 33, l. 12 and l. 19) and "logic configured to modify" (p. 28, l. 10 and l. 26; p. 33, l. 17) (see MOPOP 16.08.02).

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Under section 34 of the *Patent Rules*, any amendment made in response to this requisition must be accompanied by a statement explaining the nature thereof, and how it corrects each of the above identified defects.

Reginald Linco
Patent Examiner
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